

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDUARDO RIVERA,

Defendant.

Case No. [00-cr-00477-SI-1](#)

**ORDER RE: DEFENDANT'S MOTION
TO FORGIVE RESTITUTION
INTEREST AND PREVENT**

Re: Dkt. No. 97

On April 28, 2023, the Court held a hearing on defendant Eduardo Rivera's motion to waive restitution interest and prevent seizure of income tax refunds. At the hearing, counsel stated that they had resolved the dispute regarding interest and that the government would cease collection efforts on restitution and all accrued interest on August 8, 2024.

As to the other issues raised by Rivera's motion, the Court exercises its authority under 18 U.S.C. § 3664(k) to set Rivera's restitution payments at \$125/month in light of Rivera's increased housing costs. In addition, for the reasons stated on the record, the Court finds that Rivera's enrollment in the Treasury Offset Program was improper due to lack of notice.¹ If the government wishes to pursue an administrative offset, it must start that process anew.

IT IS SO ORDERED.

Dated: April 28, 2023


SUSAN ILLSTON
United States District Judge

¹ In addition, the Court notes that it appears that Rivera's debt became "delinquent" through no fault of his own, as he had been making monthly restitution payments until the Bureau of Prisons ceased collecting restitution payments after the Ninth Circuit's decision in *Ward v. Chavez*, 678 F.3d 1042 (9th Cir. 2012).